

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ASSOCIATION OF IRRITATED
RESIDENTS, an unincorporated association,

Plaintiff.

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants.

Case No. 09-cv-01890-CW

**STIPULATION TO EXTEND
ANSWER DEADLINE AND TO
CONTINUE INITIAL DISCOVERY,
ADR REQUIREMENTS, AND CASE
MANAGEMENT CONFERENCE**

AND

ORDER THEREON

1 WHEREAS, on April 30, 2009, Plaintiff Association of Irrigated Residents filed the
2 complaint in the above-captioned matter against Defendants United States Environmental
3 Protection Agency; Lisa P. Jackson, in her official capacity as Administrator of the United States
4 Environmental Protection Agency; and Laura Yoshii, in her official capacity as Acting Regional
5 Administrator for Region IX of the United States Environmental Protection Agency
6 (collectively, "EPA"), alleging that EPA has failed to undertake certain nondiscretionary duties
7 under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

8 WHEREAS, Plaintiff and EPA seek to resolve this case through private settlement,
9 thereby reducing litigation expenses and preserving the Court's resources, and are currently
10 engaged in settlement discussions;

11 WHEREAS, any final settlement of this case must be approved by authorized officials at
12 the United States Department of Justice and EPA, a process that can take several weeks;

13 WHEREAS, at least 30 days before any final settlement of this matter can be entered,
14 EPA must provide notice of such settlement in the Federal Register and an opportunity for public
15 comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

16 WHEREAS, no previous requests for extensions of time or continuances have been filed
17 in this case, and the parties believe that the requested extension and continuances below will not
18 adversely affect the schedule of this case;

19 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through
20 their undersigned counsel, hereby stipulate to the following:

21 1. EPA's time for responding to Plaintiff's complaint is extended by 90 days to
22 October 12, 2009;

23 2. The parties' deadline to meet and confer regarding initial disclosures, early
24 settlement, ADR process selection and certification, and discovery planning is continued until
25 October 22, 2009;

26 3. The parties' deadline to file initial disclosures, a Case Management Statement,
27 and a Rule 26(f) Report is continued until December 8, 2009;

4. The initial case management conference set for September 15, 2009 is continued until December 15, 2009, or a date thereafter set by the Court.

COUNSEL FOR PLAINTIFF:

Dated: July 7, 2009

/s/ Alegria De La Cruz (with permission)
ALEGRIA DE LA CRUZ
BRENT NEWELL
Center On Race, Poverty & the Environment
47 Kearney Street, Suite 804
San Francisco, CA 94108
Phone: (415) 346-4179
Email: adelacruz@crpe-ej.org
Counsel for Plaintiff Association of Irrigated Residents

COUNSEL FOR DEFENDANTS:

Dated: July 7, 2009

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment & Natural Resources Division

/s/ Rochelle L. Russell
ROCHELLE L. RUSSELL
Trial Attorney
U.S. Department of Justice
Environmental & Natural Resources Division
301 Howard Street, Suite 1050
San Francisco, CA 94150
Tel: (415) 744-6485
Fax: (415) 744-6476
Email: rochelle.russell@usdoj.gov
Counsel for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

7/14/09
Dated: _____



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE